

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HENRY KUEHN and
JUNE P. KUEHN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08CV577-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY et al

DEFENDANTS

ORDER GRANTING MOTION TO COMPEL

Before the Court is Defendant's [96] Motion to Compel Inspection of Plaintiff's Property. Defendant argues that its retained consultants are entitled to inspect the subject property in this case, and that they should be allowed to do so prior to the property being demolished. Plaintiffs argue that such an inspection is irrelevant in light of the fact that this is an appraisal case and that therefore causation is not at issue. The undersigned recognizes that the Court entered a judgment for recovery upholding the validity of an appraisal award made on February 28, 2009. However, the undersigned also notes that there is a pending [89] Motion for Reconsideration of the judgment. State Farm's paid experts have not had the opportunity to inspect the subject property subsequent to the commencement of litigation. Although such inspection may prove futile or irrelevant in light of the Court's [85] Memorandum Opinion & Order and [87] Judgment; nevertheless, out of an abundance of caution, the Court finds that Defendant should be permitted to proceed with an inspection of Plaintiffs' property.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's [96] Motion to Compel is GRANTED, and that the parties are directed to permit Defendant's retained consultants to inspect the subject property at a mutually convenient time.

SO ORDERED, this the 14th day of December, 2009.

s/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE